

ORDERS ON I.A.NO.IV

I.A.No.IV filed by the plaintiff U/o: 26 Rule 9 of CPC for appointment of Taluka Surveyor as Court Commissioner for dividing the suit landed property by meets and bonds as per the shares mentioned in the preliminary decree.

2. Plaintiff swear to an affidavit and pleaded that, as per preliminary decree, the suit land has to be divided by meets and bonds, therefore, it is just and proper to appoint the Taluka Surveyor as commissioner for the division of the land after the survey as per preliminary decree. Hence, prayed for allowing the application.

3. In spite of issuing the notice respondents neither present before the court nor file the objections to the application filed by the petitioner.

4. In spite of opportunities given to the respondent No.1(a) to 1(c) failed to file objections to the application filed by the petitioner U/o: 26 Rule 9 of CPC. The respondents No.2 to 6 are absent.

5. Heard on I.A.No.VI, affidavit and documents which are produced in this case.

6. As per the contention of the petitioner, Judgment and Decree passed in their favour awarding 1/4th share in the suit landed properties. Hence, it is just and proper to appoint the court commissioner to execute the Judgment and Decree passed in their favour.

7. Perused the entire materials available on record, Judgment and Decree passed in favour of the petitioner by awarding the 1/4th share in the suit landed properties, to fruitful the judgment and decree, it is necessary to appoint the court commissioner to divide the suit landed property as per the Judgment and Decree passed in O.S.No.145/2011. The learned counsels for the plaintiff sought the relief in their application that, to appoint the taluka surveyor to survey the property and filed the commission work, hence, it is better to appoint taluka Surveyor as court commissioner. Hence, on forgoing discussion, I proceed to pass following;

ORDER

I.A.No.IV filed by the petitioner U/o:26
Rule 9 of CPC is hereby allowed.

F.D.P. No.4/2018

Taluka surveyor/ADLR is appointed the court commissioner to inspect the spot and submit the report. The court commissioner fees is fixed of Rs.2,000/-.

For depositing the court commissioner fees.

Call on:

**PRL.CIVIL JUDGE & JMFC,
ALAND**